

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:23-CV-00306-M-RN

CHRISTIAN PROFFITT,

Plaintiff,

v.

NORTH CAROLINA DEPARTMENT
OF PUBLIC SAFETY,

Defendant.

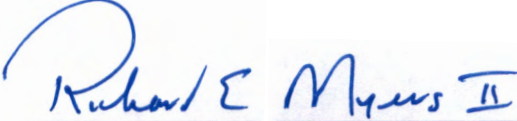
ORDER

This matter comes before the court on for review of the Order and Recommendation (the “Recommendation”) filed on January 3, 2024, by Magistrate Judge Robert T. Numbers, II, in accordance with 28 U.S.C. § 636(b). DE 28. In the Recommendation, Judge Numbers recommends that Defendant’s motion to dismiss be denied in light of Plaintiff’s subsequent service of process on Defendant in a manner consistent with the Federal Rules of Civil Procedure. *Id.* at 1, 7. The Recommendation, which includes instructions and a deadline for objections, was served on the parties on January 3, 2024. *See id.* at 7. Neither party objected to the Recommendation.

The court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge,” 28 U.S.C. § 636(b), but need only “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made,” *id.* Notwithstanding the lack of objections to the Recommendation, the court has reviewed the record and made a de novo determination which is in accord with the Recommendation. The court therefore adopts the Recommendation in full.

The Recommendation [DE 28] is hereby ADOPTED, and Defendant's motion to dismiss [DE 14] is DENIED.

SO ORDERED this 5th day of February, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE